



DEPARTMENT OF THE NAVY
COMMANDER, NAVAL AIR FORCE, ATLANTIC
1562 MITSCHER AVENUE, SUITE 300
NORFOLK, VA 23511-2427

1611
Ser N01L/ 298
20 Dec 18

FOURTH ENDORSEMENT on Commanding Officer, VFA-106 ltr 1611 Ser 00/689
of 30 Oct 18

From: Commander, Naval Air Force Atlantic
To: Commander, Navy Personnel Command (PERS 834)
Subj: REPORT OF MISCONDUCT ICO LT STEVEN E. SHAW, USN, 1283575205/1310

1. Forwarded. I concur with the recommendations of the Commanding Officer that LT Shaw be detached for cause, removed from the FY-19 Lieutenant Commander promotion list, and be required to show cause for retention in the naval service.
2. My point of contact for this matter is CAPT Peter D. Galindez, JAGC, USN who can be reached at CNAL_FJA@navy.mil or (757) 836-4213.



R. J. KELLEY

Copy to:
COMSTRKFIGHTWINGLANT
CO, VFA-106
LT Shaw



DEPARTMENT OF THE NAVY
COMMANDER, STRIKE FIGHTER WING ATLANTIC
NAVAL AIR STATION OCEANA
1760 FIRST STREET
VIRGINIA BEACH, VA 23460-2276

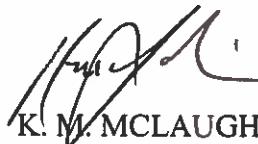
IN REPLY REFER TO:
1611
Ser N00/257
28 Nov 18

THIRD ENDORSEMENT on VFA-106 ltr 1611 Ser 00/689 of 30 Oct 18

From: Commander, Strike Fighter Wing Atlantic
To: Commander, Navy Personnel Command (PERS-834)
Via: Commander, Naval Air Force Atlantic

Subj: REPORT OF MISCONDUCT ICO LT STEVEN E. SHAW, USN, 1283575205/1310

1. Forwarded, concur with Commanding Officer recommendations.



K. M. MC LAUGHLIN

Copy to:
VFA-106
LT Shaw



DEPARTMENT OF THE NAVY
STRIKE FIGHTER SQUADRON ONE ZERO SIX
1760 FIRST STREET SUITE 200
VIRGINIA BEACH, VA 23460-2210

1611
Ser 00/711
15 Nov 18

SECOND ENDORSEMENT on STRKFITRON ONE ZERO SIX ltr 1611 Ser 00/689
of 30 Oct 18

From: Commanding Officer, Strike Fighter Squadron ONE ZERO SIX
To: Commander, Navy Personnel Command (PERS-834)
Via: (1) Commander, Strike Fighter Wing Atlantic
(2) Commander, Naval Air Force Atlantic

Subj: REPORT OF MISCONDUCT ICO LT STEVEN E. SHAW, USN, 1283575205/1310

1. Forwarded, recommending that LT Shaw be detached for cause, removed from the FY19 LCDR promotion list, and ordered to show cause for retention.

Brenda M Scott
B. M. SCOTT

Copy to:
LT Shaw



**The Federal
Practice Group**
WORLDWIDE SERVICE

Eric S. Montalvo
Lic. DC, PA, NJ
emontalvo@fedpractice.com

November 14, 2018

VIA ELECTRONIC MAIL ONLY

Commander Navy Personnel Command (PERS-834)
5720 Integrity Dr
Millington, TN 38055

Via: (1) Commanding Officer, Strike Fighter Squadron One Zero Six
(2) Commander, Strike Fighter Wing Atlantic
(3) Commander, Naval Air Forces Atlantic

Re: Report of Misconduct ICO LT Steven E. Shaw, USN, 1310

Ref: (a) MILPERSMAN 1611-010
(b) Report of Misconduct Letter 1611 Ser 00/689 dtd 30 Oct 18
(c) VFA-106 Command Investigation of 19 July 18
(d) FNAEB Letter of deficiency dtd 14 Nov 18

Please be advised that below undersigned counsel is counsel for the Respondent. This correspondence is responsive to reference (b) and is submitted on behalf of the Respondent, by and through counsel.

The Commanding Officer of VFA-106, Commander Brandon M. Scott, is being investigated for whistleblower reprisal by the DOD IG as a result of protected communications made by the Respondent. Commander Scott should be immediately recused from this process and the matter evaluated by a commander not familiar with the circumstances such that a fair and impartial determination can be made regarding a show cause determination. The Respondent references and incorporates the FNAEB letter of deficiency dtd 14 Nov 18.

The prohibitions alleged are refuted through accolades within Fitness Reports and an End of Tour award. Orders alleged to have been given could not have been because the parties were not physically located together when some of the alleged counselings occurred. The Board members of LT Shaw's FNAEB recognized several of these material ambiguities in its report. None of LT Shaw's performance was of concern until after the command became aware of his whistleblower communications. Regardless of the outcome, the process demands a fair and impartial review of the record which cannot be achieved by the persons being accused by Respondent. A separate convening authority can and should be tasked with the review and recommendation of LT Shaw's matter in order to maintain integrity in the process.

No adverse actions should be effected until an independent review is conducted at the newly assigned convening authority level. LT Shaw has served honorably for eight years and has a previously unblemished record. Indeed, his future was bright as is reflected in his service record. When viewed through a timeline the actions taken by the command on the heels of becoming aware that they were the subjects of a DOD IG investigation for possible wrongdoing raised by LT Shaw can only be viewed as

November 14, 2018

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reprisal. LT Shaw was serving with this command previously without incident and it is now the recommendation of this conflicted convening authority that LT Shaw, after eight years of exceptional service should show cause why he should not be removed from active duty. Any reliance upon this particular commander's recommendation will render the process illegitimate and reversible.

If there are any questions or concerns please address them to myself at
emontalvo@fedpractice.com or via phone (202) 862-4360.



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DEPARTMENT OF THE NAVY
STRIKE FIGHTER SQUADRON ONE ZERO SIX
1760 FIRST ST. SUITE 200
VIRGINIA BEACH, VA 23460-2210

1611
Ser 00/689
30 Oct 18

From: Commanding Officer, Strike Fighter Squadron ONE ZERO SIX
To: Commander, Navy Personnel Command (PERS-834)
Via: (1) LT Steven E. Shaw, USN
 (2) Commanding Officer, Strike Fighter Squadron ONE ZERO SIX
 (3) Commander, Strike Fighter Wing Atlantic
 (4) Commander, Naval Air Force Atlantic

Subj: REPORT OF MISCONDUCT ICO LT STEVEN E. SHAW, USN, 1283575205/1310

Ref: (a) MILPERSMAN 1611-010

Encl: (1) NAVPERS 1626/7 of 29 Aug 18
 (2) VFA-106 Command Investigation of 19 Jul 18

1. Per reference (a), this Report of Misconduct in the case of LT Steven E. Shaw is forwarded for review and action. On 29 August 2018, Non-Judicial Punishment (NJP) was offered to LT Shaw for violation of Uniform Code of Military Justice Article 92 – Failure to obey order or regulation (five specifications). Enclosure (1) is the report of the offense and LT Shaw's refusal of NJP. Enclosure (2) contains the command investigation initiated into LT Shaw's misconduct of 19 July 2018.
2. Details of the charges and the circumstances of the offenses are set forth in enclosures (1) and (2). LT Shaw refused NJP on 29 August 2018. After legal review and advice, I decided not to refer the above charges to courts-martial.
3. After fully reviewing the facts and opinions of this case, the following administrative actions are requested or recommended.

a. I request LT Shaw be Detached for Cause. Enclosure (1) revealed that LT Shaw, an unqualified aircrew with orders to be an instructor pilot at VFA-106, deceptively and deliberately utilized the privacy of classified spaces to teach incorrect, improper, and unsafe techniques in multiple areas of F/A-18 flight after being directly ordered on multiple occasions to cease. These include dangerous, life-threatening nonstandard tactics, techniques, and procedures in critical phases of flight and were taught to inexperienced and impressionable replacement pilots at VFA-106 and other training commands. The investigation also raises questions about the possible mishandling of classified information by LT Shaw. Evidence suggests that LT Shaw may have brought a recording device into the Strike Fighter Wing Atlantic Simulator Building, a classified space, without authorization; that he may have made a recording using a simulator device; and that he may have distributed that video through the internet. Further, in a media interview, LT Shaw indicated that he possessed many F/A-18 in-flight video recordings. I have serious concerns about the possibility that LT Shaw failed to follow proper security protocols with respect to those recordings. Based on LT Shaw's actions, I am unable to trust him with VFA-106 aircraft, with subordinate or inexperienced aircrew, and with classified information. As the Commanding Officer, I have exhausted all pertinent legal options at my disposal and strongly request that the service member be detached for cause from my command.

b. LT Shaw's misconduct warrants removal from the FY-19 Lieutenant Commander promotion list. LT Shaw has disobeyed multiple direct orders from members of his chain of command.

Subj: REPORT OF MISCONDUCT ICO LT STEVEN E. SHAW, USN

After being directed not to teach his dangerous, unsubstantiated techniques, LT Shaw chose instead to take steps to hide his continued teachings from his peers and the chain of command. In addition, due to his potential violation of security instructions and protocols, I have requested permanent suspension of his security clearance to the Department of Defense Consolidated Adjudications Facility. I have lost all faith that LT Shaw can follow lawful orders and proper security protocols, clearly demonstrating that he is not worthy of promotion to Lieutenant Commander.

c. It is with my strongest recommendation that LT Shaw be required to show cause for retention in the Naval Service. By his actions, LT Shaw has shown that his character is not in keeping with the standards expected of a naval officer. LT Shaw's disrespect of orders, disregard for the chain of command, and lack of integrity have no place in Naval Service.

4. By copy hereof, LT Shaw is notified of his right, per reference (a), to submit his comments, within 10 days of receipt, concerning this report of NJP which will be included as an adverse matter in his official record. LT Shaw is also hereby notified that those in the endorsement chain may choose to make recommendations different than those contained in this letter. His comments or declination to make a statement will be reflected in his endorsement to this letter.



Brandon M. Scott
B. M. SCOTT

Copy to:
LT Shaw

REPORT AND DISPOSITION OF OFFENSE(S)
NAVPER 1626/7

To: Commanding Officer, **STRIKE FIGHTER SQUADRON ONE ZERO SIX** Date of Report: **August 29, 2018**

I hereby report the following named person for the offense(s) noted:

NAME OF ACCUSED SHAW, STEVEN E.	SERIAL NO N/A	SOCIAL SECURITY NO XXX-XX-8367	RATE/GRADE LT/O-3	BR & CLASS USN	DIV/DEPT ADMIN
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PLACE OF OFFENSE(S)

Naval Air Station Oceana, Virginia Beach, VA

DATE OF OFFENSE(S)
Between on or about 2 Sep 2016 and on or about 2 Mar 2018
Between on or about September 2016 and on or about January 2018
Between on or about 3 May 2018 and on or about 20 July 2018
Between on or about 2 March 2018 and on or about 13 June 2018
On or about 1 May 2018

DETAILS OF OFFENSE(S) (Refer by Article of UCMJ if known. If unauthorized absence, give following info. time and date of commencement, whether over leave or liberty, time and date of apprehension or surrender and arrival on board, loss of ID card and/or liberty card, etc.).

Charge: Violation of the UCMJ, Article 92 – Failure to obey order or regulation

Specification 1. In that Lieutenant Steven S. Shaw, U.S. Navy, Strike Fighter Squadron ONE ZERO SIX, on active duty, having knowledge of a lawful order issued by Lieutenant Commander Patrick B. Bookey, United States Navy, and Lieutenant Commander Matthew J. Orner, United States Navy, not to teach carrier landing procedures utilizing only velocity vector techniques as detailed in the paper "F-18 Ball Flying Techniques" to VFA-106 students, an order which it was his duty to obey, did, on board or near Naval Air Station Oceana, Virginia, on divers occasions between on or about 2 September 2016 and on or about 2 March 2018, fail to obey the same by wrongfully instructing VFA-106 students the said techniques for carrier landings.

Specification 2. In that Lieutenant Steven S. Shaw, U.S. Navy, Strike Fighter Squadron ONE ZERO SIX, on active duty, having knowledge of a lawful order issued by Commander, Strike Fighter Wing Atlantic, to wit: CSFWLINST 5512.1C, paragraph 7.b., dated 22 March 2010, an order which it was his duty to obey, did, on board Naval Air Station Oceana, Virginia, between on or about September 2016 and on or about January 2018, fail to obey the same by wrongfully using a recording device inside the Strike Fighter Wing Atlantic FA-18 Flight Simulator Facility.

See Continuation Page

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT

LT Kevin O'Neill, VFA-106 Legal Officer

(Rate/Grade/Title of person submitting report)

(Signature of Accused)

I have been informed of the nature of the accusation(s) against me. I understand I do not have to answer any questions or make any statement regarding the offense(s) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in event of trial by court-martial (Article 31, UCMJ).

Witness:

(Signature)

Acknowledged:

(Signature of Accused)

PRE-MAST RESTRAIN T	<input type="checkbox"/> PRE-TRIAL CONFINEMENT	<input type="checkbox"/> RESTRICTED You are restricted to the limits of _____ in lieu of arrest by order of the CO Until your status as a restricted person is terminated by the CO you may not leave the restricted limits except with the express permission of the CO or XO You have been informed of the times and places which you are required to muster
	<input type="checkbox"/> NO RESTRICTION	

(Signature and title of person imposing restraint)

(Signature of Accused)

INFORMATION CONCERNING ACCUSED

CURRENT ENL. DATE N/A	EXPIRATION CURRENT ENL. DATE N/A	TOTAL ACTIVE NAVAL SERVICE 9 YRS, 3 MO	TOTAL SERVICE ON BOARD 2 YRS	EDUCATION 16	ASVAB N/A	AGE 31
MARITAL STATUS MARRIED	NO DEPENDENTS 5	CONTRIBUTION TO FAMILY OR QTRS ALLOWANCE (Amount required by law) NONE		PAY PER MONTH (Including sea or foreign duty pay if any) O3 \$6083.40 ½ \$3041.7 O2 \$4955.10 ½ \$2477.55		

RECORD OF PREVIOUS OFFENSE(S) (Date type action taken etc Nonjudicial punishment incidents are to be included.)
No prior NJPs or previous courts-martial.

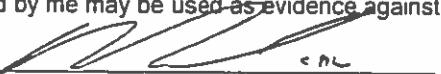
Specification 3. In that Lieutenant Steven S. Shaw, U.S. Navy, Strike Fighter Squadron ONE ZERO SIX, on active duty, having knowledge of a lawful order issued by Lieutenant Colonel Michael C. Nesbitt, U.S. Marine Corps, not to contact Lieutenant Junior Grade Ryan Rojeski, U.S. Navy, an order which it was his duty to obey, did, on board or near Naval Air Station Oceana, Virginia, on divers occasions between on or about 3 May 2018 and on or about 20 July 2018, fail to obey the same by wrongfully contacting the said LTJG Rojeski via text messages and phone calls.

Specification 4. In that Lieutenant Steven S. Shaw, U.S. Navy, Strike Fighter Squadron ONE ZERO SIX, on active duty, having knowledge of a lawful order issued by Lieutenant Colonel Michael C. Nesbitt, U.S. Marine Corps, not to enter the F/A-18 Flight Simulator Facility student ready room, an order which it was his duty to obey, did, on board Naval Air Station Oceana, Virginia, on divers occasions between on or about 2 March 2018 and on or about 13 June 2018, fail to obey the same by wrongfully entering the F/A-18 Simulator Facility student ready room.

Specification 5. In that Lieutenant Steven S. Shaw, U.S. Navy, Strike Fighter Squadron ONE ZERO SIX, on active duty, having knowledge of a lawful order issued by Lieutenant Colonel Michael C. Nesbitt, U.S. Marine Corps, not to instruct students in phases for which he was not qualified to instruct, an order which it was his duty to obey, did, on board Naval Air Station Oceana, Virginia, on or about 1 May 2018, fail to obey the same by wrongfully conducting a Fighter Weapons "Chalk Talk" with VFA-106 students.

I have been informed of the nature of the accusation(s) against me. I understand I do not have to answer any questions or make any statement regarding the offense(s) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in event of trial by court-martial (Article 31, UCMJ).

Witness:



Acknowledged:



PRELIMINARY INQUIRY REPORT

From:

To: Commanding Officer, Strike Fighter Squadron ONE ZERO SIX

Date:

1. Transmitted herewith for preliminary inquiry and report by you, including, if appropriate in the interest of justice and discipline, the preferring of such charges as appeal to you to be sustained by expected evidence.

REMARKS OF DIVISION OFFICER (Performance of duty, etc.)

N/A

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT

RECOMMENDATION AS TO DISPOSITION

 REFER TO COURT-MARTIAL FOR TRIAL OF ATTACHED CHARGES
(Complete Charge Sheet (DD Form 458) through Page 2) DISPOSE OF CASE AT MAST NO PUNITIVE ACTION NECESSARY OR DESIRABLE OTHER

COMMENT (Include data regarding availability of witnesses, summary of expected evidence, conflicts in evidence, if expected. Attach statements of witnesses, documentary evidence such as service record entries in UA cases, items of real evidence, etc.)

N/A

(Signature of Investigating Officer)

ACTION OF EXECUTIVE OFFICER

 DISMISSED REFER TO CAPTAIN'S MAST

SIGNATURE OF EXECUTIVE OFFICER

RIGHT TO DEMAND TRIAL BY COURT-MARTIAL

(Not applicable to persons attached to or embarked in a vessel)

I understand that nonjudicial punishment may not be imposed on me if, before the imposition of such punishment, I demand in lieu thereof trial by court-martial. I therefore (do) (do not) demand trial by court-martial.

WITNESS

SIGNATURE OF ACCUSED

ACTION OF COMMANDING OFFICER

 DISMISSED

DISMISSED WITH WARNING (Not considered NJP)

ADMONITION: ORAL/IN WRITING

REPRIMAND ORAL/IN WRITING

REST TO _____ FOR _____ DAYS

REST TO _____ FOR _____ DAYS WITH SUSP FROM DUTY

FORFEITURE TO FORFEIT \$ _____ PAY PER MO FOR _____ MO(S)

 CONF ON _____ 1, 2 OR 3 DAYS

CORRECTIONAL CUSTODY FOR _____ DAYS

REDUCTION TO NEXT INFERIOR PAY GRADE

REDUCTION TO PAY GRADE OF _____

EXTRA DUTIES FOR _____ DAYS

PUNISHMENT SUSPENDED FOR _____

REFER TO ART 32 INVESTIGATION

RECOMMENDED FOR TRIAL BY GCM

 DETENTION TO HAVE \$ _____ PAY PER
MO FOR (1, 2, 3) MO(S) DETAINED FOR _____ MO(S) AWARDED SPCM AWARDED SCM

DATE OF MAST

DATE ACCUSED INFORMED OF ABOVE ACTION

SIGNATURE OF COMMANDING OFFICER

It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 5 days.

SIGNATURE OF ACCUSED

DATE

I have explained the above rights of appeal to the accused

SIGNATURE OF WITNESS

DATE

FINAL ADMINISTRATIVE ACTION

APPEAL SUBMITTED BY ACCUSED

FINAL RESULT OF APPEAL

DATED _____

FORWARDED FOR DECISION ON _____

APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED
WERE REQUIRED

FILED IN UNIT PUNISHMENT BOOK

DATE _____

DATE _____

(Initials)

(Initials)

NAVPER 1626/7 (Rev. 12-88) (BACK)

Enclosure (1)

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